

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Confirmation No.:	4274
Lionel CASSIN <i>et al.</i>	Art Unit:	2426
Appln. No.: 09/912,408	Examiner:	Fred PENG
Filed: July 26, 2001	Atty. Docket:	15235.007
For: Devices, Methods and a System for Implementing a Media Content Delivery and Playback Scheme		

**Petition for Revival of an Unintentionally Abandoned
Patent Application Under 37 CFR §1.137(b)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition for revival of the above-captioned patent application under 37 CFR §1.137(b).

- 1) A Request for Continued Examination was filed on October 9, 2008, requesting entry of an Amendment and Response to a previous Final Office Action.
- 2) The Amendment and Response was entered, and a Non-Final Office Action was mailed on December 18, 2008.
- 3) On June 17, 2009, a Notice of Appeal was filed in the present application, together with a Request for Pre-Appeal Brief Conference and appropriate extensions of time.

4) On November 10, 2009, a Notice of Panel Decision from Pre-Appeal Brief Review was mailed, maintaining the rejections and stating that the application should proceed to the Board of Patent Appeals and Interferences. A time period for submitting an Appeal Brief was reset to one month from the date of mailing of the Notice of Panel Decision from Pre-Appeal Brief Review or two months from the date of the Notice of Appeal, whichever was longer (extendable under 37 C.F.R. 1.136, as applicable).

5) On January 11, 2010, in lieu of an Appeal Brief, prosecution was reopened by the submission of an Amendment and Response to the Non-Final Office Action (mailed December 18, 2008), together with applicable extensions of time (dating from the Notice of Panel Decision from Pre-Appeal Brief Review).

6) On January 21, 2010, an Advisory Action was mailed stating that the Amendment and Response submitted January 11, 2010, would not be entered as it was filed after a Final Office Action, but prior to or on the same day as the filing of a Notice of Appeal, failed to place the application in condition for allowance, and the amendments raised new issues that would require further consideration and/or search. The Advisory Action set a period for reply expiring on the mailing date of the Advisory Action, or the date set forth in the Final rejection, whichever was later.

7) Upon receipt of the Advisory Action, Applicants contacted the Examiner and the Examiner's supervisor on several occasions to discuss the status of the present application, the status of the outstanding Office Action as Non-Final (rather than Final), and the proper course of action to have the submitted Response and Amendment entered into the record for consideration.

8) Finally, on June 3, 2010, a Notice of Abandonment was mailed alleging that a proper reply was not submitted to the Notice of Panel Decision from Pre-Appeal Brief Review.

9) As such, Applicants hereby petition for revival of the above-captioned application, and submit herewith: a Request for Continued Examination; and an Amendment and Response to Non-Final Office Action dated December 18, 2008 and Notice of Panel Decision from Pre-Appeal Brief Review dated November 10, 2009.

10) In light of the above description, the entire delay between the submission of the Amendment and Response to Notice of Panel Decision from Pre-Appeal Brief Review, the Notice of Abandonment, and the filing of this petition was unintentional. Applicants hereby petition for revival of the above-captioned application.

The Commissioner is authorized to charge \$810.00, to cover the petition fee for a small entity set forth in 37 CFR §1.17(m), and \$405.00 to cover the fee for a Request for Continued Examination for small entity, to Arnold & Porter LLP's Deposit Account No. 50-2387, referencing 15235.007. If any additional charges are deemed appropriate, authorization is given to charge any such fees to Arnold & Porter LLP's Deposit Account No. 50-2387, referencing 15235.007.

Respectfully submitted,

/Milan M. Vinnola/

Milan M. Vinnola (Reg. No. 45,979)

Date: July 20, 2010

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